IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 2368 of 2005

Between:

Potluri Meera Saheb, s/o Khasim Saheb,
r/o Bodavada Village, Chimakurthy Mandal,
Prakasam District.

..... PETITIONER

AND

1. The District Collector, Ongole, Prakasam District.
2. The Revenue Divisional Officer, Ongole, Prakasam District.
3. The Mandal Revenue Officer, Chimakurthi Mandal,

Prakasam District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus a) declaring the action of the respondents in interfering with the possession and enjoyment of the petitioner over an extent of 1 acre of land located in Survey No.242 of Bodavada Village, Chimakurthi Mandal, Prakasam District as illegal, arbitrary, unconstitutional against the principles of natural justice and without any power or authority of jurisdiction and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner (b) declaring the inaction of the respondents in not considering the representations submitted by the petitioner for grant of D.K.Patta and rithwary passbook, including the recent representation submitted in the 3rd week of January, 2005 which was received by the respondents on 27-01-2005 and also the claim petition submitted on 27-06-1989 under Section 5(1)(b)of A.P.Rights in Land and Pattadar Passbook Rules, 1989 as

illegal, arbitrary, unconstitutional against the principles of natural justice and discriminatory and consequently direct the respondents to consider the above said applications and grant D.K.Patta and raithwari passbook in favour of the petitioner.

Counsel for the Petitioner: MR.T.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioner, who claims to be in occupation of an extent of one acre situated in Survey No.242 of Bodavada Vilage since more than 30 years, filed this Writ Petition, aggrieved by the action of the respondents in seeking to dispossess the petitioner from the land in his occupation.

The petitioner also states that he has made several representations requesting to grant patta in his favour in respect of the land in his occupation and the said representations are pending consideration before the respondents.

Having heard the learned counsel for the petitioner and learned Government pleader appearing for the respondents, without expressing any opinion with regard to the entitlement of the petitioner to continue in occupation of the land in question, the Writ Petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner in respect of the land in question without following due process of law.

Accordingly, the Writ petition is disposed of with the above direction. No costs.

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14-02-2005

Note: cc in 3 days

B/o

kvrm

To

1. The District Collector, Ongole, Prakasam District.
2. The Revenue Divisional Officer, Ongole, Prakasam District.
3. The Mandal Revenue Officer, Chimakurthi Mandal,

Prakasam District.

4. 2 CCs to GP for Revenue, High court of A.P, Hyderabad (OUT)

5. 3 CD copies.